
IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 21, 1865.

Ordered to be printed.

AMENDMENT

By Mr. ASHLEY, in the nature of a substitute to H. R. 740.

Strike out all after the enacting clause, and insert :

3 That in the States declared in rebellion against the United
4 States the President shall, by and with the advice and con-
5 sent of the Senate, appoint for each a provisional governor,
6 whose pay and emoluments shall not exceed that of a briga-
7 dier general of volunteers, who shall be charged with the
8 civil administration of such State, until a State government
9 therein shall be recognized as hereinafter provided.

1 SEC. 2. *And be it further enacted,* That until the United
2 States shall have recognized a republican form of State gov-
3 ernment, the provisional governor in each of said States shall
4 see that this act, and the laws of the United States, and the
5 laws of the State for the protection of persons and property,
6 in force when the State government was overthrown by the
7 rebellion, are faithfully executed within the State ; but no law

8 or usage whereby any person was heretofore held in involun-
9 tary servitude shall be recognized or enforced by any court
10 or officer in such State; and the laws for the government,
11 trial, and punishment of white persons shall extend to all
12 persons, and jurors shall have the qualifications of voters
13 under this law for delegates to the convention.

1 SEC. 3. *And be it further enacted,* That all persons
2 held to involuntary servitude or labor in the States or parts
3 of States in which such persons have been declared free
4 by any proclamation of the President, are hereby emanci-
5 pated and discharged therefrom, and they and their posterity
6 shall be forever free. And if any such persons or their
7 posterity shall be restrained of liberty, under pretence of any
8 claim to such service or labor, the courts of the United
9 States shall, on habeas corpus, discharge them.

1 SEC. 4. *And be it further enacted,* That if any person
2 declared free by this act, or any law of the United States, or
3 any proclamation of the President, be restrained of liberty,
4 with intent to be held in or reduced to involuntary servitude
5 or labor, the person convicted before a court of competent
6 jurisdiction of such act shall be punished by fine of not less
7 than fifteen hundred dollars, and be imprisoned not less than
8 five nor more than twenty years.

1 SEC. 5. *And be it further enacted,* That so soon as the
2 military resistance to the United States shall have been sup-

3 pressed in any such State, and the people thereof shall have
4 sufficiently returned to their obedience to the Constitution
5 and the laws of the United States, the provisional governor
6 shall direct the marshal of the United States, as speedily as
7 may be, to name a sufficient number of deputies, and to
8 enrol all male citizens of the United States resident in the
9 State in their respective counties, and to request each one
10 to take the oath to support the Constitution of the United
11 States, and in his enrolment to designate those who take and
12 those who refuse to take that oath, which rolls shall be forth-
13 with returned to the provisional governor; and if the persons
14 taking that oath shall, together with the citizens of the
15 United States from such State in the military or naval service
16 of the United States, amount to a majority of the persons en-
17 rolled in the State, he shall, by proclamation, invite the loyal
18 people of the State thus enrolled and in the military or naval
19 service of the United States to elect delegates to a convention
20 charged to declare the will of the people of the State relative
21 to the re-establishment of a State government, subject to and
22 in conformity with the Constitution of the United States.

1 SEC. 6. *And be it further enacted,* That the convention
2 in each State shall consist of as many members as both houses
3 of the last constitutional State legislature. The delegates
4 shall be elected in single districts, and the apportionment shall
5 be made by the provisional governor among the counties,

6 parishes, or districts of the State, in proportion to the num-
7 ber of electors enrolled by the marshal, in compliance with
8 the provisions of this act, including those who are in the
9 military or naval service of the United States, as aforesaid.
10 The provisional governor shall, by proclamation, name a day
11 of election, not less than thirty days thereafter; designate
12 the places of voting in each county, parish, or district, con-
13 forming, as nearly as may be convenient, to the places used
14 in the State elections next preceding the rebellion; appoint
15 one or more commissioners to hold the election at each place
16 of voting, and provide an adequate force to keep the peace
17 during the election.

1 SEC. 7. *And be it further enacted,* That all citizens of
2 the United States of the age of twenty-one years, residents
3 of the State, who are in the military or naval service of the
4 United States, and all who have been honorably discharged
5 therefrom, together with all loyal citizens enrolled as afore-
6 said, who shall take and subscribe the oath of allegiance to
7 the United States, prescribed in the act of July two, eigh-
8 teen hundred and sixty-two, shall be electors, and may vote
9 for delegates to the convention hereinbefore authorized, in
10 the county, parish, or district in which they reside, and all
11 such citizens of the United States who are in the military or
12 naval service of the United States shall vote at the head-
13 quarters of their respective commands, under such regulations

14 as may be prescribed by the provisional governor for the
15 taking and return of their votes; but no person who has held
16 or exercised any office, civil or military, State or confederate,
17 under the rebel usurpation, or who has voluntarily borne
18 arms against the United States, shall vote or be eligible to be
19 elected as delegate at such election.

1 SEC. 8. *And be it further enacted,* That the said com-
2 missioners, or either of them, shall hold the election in
3 conformity with this act, and, so far as may be consistent
4 therewith, shall proceed in the manner used in the State
5 prior to the rebellion. The oath of allegiance shall be taken
6 and subscribed on the poll-book by every voter in the form
7 above prescribed; but every person known by or proved to
8 the commissioners to have held or exercised any office, civil or
9 military, State or confederate, under the rebel usurpation, or
10 to have voluntarily borne arms against the United States,
11 shall be excluded though he offer to take the oath; and in
12 case any person who shall have borne arms against the
13 United States shall offer to vote, he shall be deemed to have
14 borne arms voluntarily unless he shall prove the contrary by
15 the testimony of a qualified voter. The poll-book, showing
16 the name and oath of each voter, shall be returned to the
17 provisional governor by the commissioners of election or the
18 one acting, and the provisional governor shall canvass such

19 returns, and declare the person having the highest number of
20 votes elected.

1 SEC. 9. *And be it further enacted,* That the provisional
2 governor shall, by proclamation, convene the delegates elected
3 as aforesaid at the capital of the State, on a day not more
4 than three months after the election, giving at least thirty
5 days' notice of such day. In case the said capital shall in
6 his judgment be unfit, he shall in his proclamation appoint
7 another place. He shall call the convention to order, and
8 administer to each delegate, before taking his seat in the con-
9 vention, the oath of allegiance to the United States in the
10 form hereinbefore prescribed, after which the delegates shall
11 select their own presiding, and all other officers of the con-
12 vention.

1 SEC. 10. *And be it further enacted,* That the conven-
2 tion shall declare, on behalf of the people of the State,
3 their submission to the Constitution and laws of the United
4 States, and shall adopt the following provisions, hereby pre-
5 scribed by the United States in the execution of the consti-
6 tutional duty to guarantee a republican form of government
7 to every State, and incorporate them in the constitution of
8 the State, that is to say:

9 First. No person who has held or exercised any office, civil
10 or military, except civil offices merely ministerial and mili-
11 tary offices below the grade of colonel, State or confederate,

12 under the usurping power, shall vote for or be a member of
13 the legislature or governor.

14 Second. Involuntary servitude is forever prohibited, and
15 freedom and equality of civil rights before the law are guar-
16 anteed to all persons in said State.

17 Third. No debt, State or confederate, created by or
18 under the sanction of the usurping power, or in any manner
19 in aid thereof, shall be recognized or paid by the State;
20 and all acts, judicial or legislative, for the confiscation or for-
21 feiture of any debt, property, or franchise, of any loyal citi-
22 zen of the United States, are hereby declared null and void.

1 SEC. 11. *And be it further enacted,* That when the
2 convention shall have adopted those provisions, it shall pro-
3 ceed to re-establish a republican form of government, and
4 ordain a constitution containing those provisions, which, when
5 adopted, the convention shall by ordinance provide for sub-
6 mitting to the people of the State entitled to vote under this
7 law, at an election to be held in the manner prescribed by
8 the act for the election of delegates, but at a time and place
9 named by the convention, at which election the said electors,
10 and none other, shall vote directly for or against such consti-
11 tution and form of State government. And the returns of said
12 election shall be made to the provisional governor, who shall
13 canvass the same, and if a majority of the votes cast shall
14 be for the constitution and form of government, he shall cer-

15 tify the same, with a copy thereof, to the President of the
 16 United States, who, after obtaining the assent of Congress,
 17 by act or joint resolution, shall, by proclamation, recognize
 18 the government so established, and none other, as the con-
 19 stitutional government of the State; and from the date of
 20 such recognition, and not before, senators and representatives
 21 and electors for President and Vice-President may be elected
 22 in such State, according to the laws of the State and of the
 23 United States.

1 SEC. 12. *And be it further enacted,* That if the conven-
 2 tion shall refuse to re-establish the State government on the
 3 conditions aforesaid, the provisional governor shall declare it
 4 dissolved; but it shall be the duty of the President, when-
 5 ever he shall have reason to believe that a sufficient number
 6 of the people of the State entitled to vote under this act, in
 7 number not less than a majority of those enrolled as afore-
 8 said, are willing to re-establish a State government on the
 9 conditions aforesaid, to direct the provisional governor to order
 10 another election of delegates to a convention for the purpose
 11 and in the manner prescribed in this act, and to proceed in
 12 all respects as hereinbefore provided, either to dissolve the
 13 convention or to certify the State government re-established
 14 by it to the President.

1 SEC. 13. *And be it further enacted,* That if the persons
 2 exercising the functions of governor and legislature under the

3 rebel usurpation in any State heretofore declared to be in
4 rebellion shall, before armed resistance to the national govern-
5 ment is suppressed in such State, submit to the authority of
6 the United States, and take the oath to support the Constitu-
7 tion of the United States, and adopt by law the third provision
8 prescribed in the eighth section of this act, and ratify the
9 amendment to the Constitution of the United States proposed
10 by Congress to the legislatures of the several States on the
11 thirty-first day of January, anno Domini eighteen hundred and
12 sixty-five, it shall be lawful for the President of the United
13 States to recognize the said governor and legislature as the
14 lawful State government of such State, and to certify the fact
15 to Congress for its recognition: *Provided*, That nothing herein
16 contained shall operate to disturb the boundary lines of any
17 State heretofore recognized by and now represented in the
18 Congress of the United States.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 21, 1865.

Ordered to be printed.

AMENDMENT

In the nature of a substitute, proposed by Mr. WILSON, to the bill (H. R. 740) to establish the supremacy of the Constitution in the insurrectionary States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That neither the people nor the legislature of any State, the
4 people of which were declared to be in insurrection against
5 the United States by the proclamation of the President,
6 dated August sixteenth, eighteen hundred and sixty-one,
7 shall hereafter elect representatives or senators to the Con-
8 gress of the United States until the President, by proclama-
9 tion, shall have declared that armed hostility to the govern-
10 ment of the United States within such State has ceased; nor
11 until the people of such State shall have adopted a constitu-
12 tion of government not repugnant to the Constitution and
13 laws of the United States; nor until, by a law of Congress,
14 such State shall have been declared to be entitled to repre-
15 sentation in the Congress of the United States of America.